

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Shawn Suter,

Case No. \_\_\_\_\_

Plaintiff,

v.

**NOTICE OF REMOVAL OF  
CIVIL ACTION FROM STATE  
COURT TO FEDERAL COURT**

Chase Bank USA, N.A.,

Defendant.

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To: The United States District Court For The District Of Minnesota; District Court of Le Sueur County, State of Minnesota, First Judicial District; and Plaintiff and his counsel Bennett Hartz, Walker & Walker Law Offices, PLLC, 4356 Nicollet Avenue South, Minneapolis, MN 55409:

PLEASE TAKE NOTICE that Defendant Chase Bank USA, N.A. (“Defendant”), by its attorneys, pursuant to 28 U.S.C. § 1441, hereby gives notice of removal of the above-captioned matter from the District Court of Le Sueur County, State of Minnesota, First Judicial District and, in support thereof, states as follows:

1. On May 9, 2017, Defendant was personally served with a Summons and Complaint captioned *Shawn Suter v. Chase Bank USA, N.A.* (“Complaint”). See Summons and Complaint attached hereto as Exhibit A. The Complaint was captioned in the District Court of Le Sueur County, State of Minnesota, First Judicial District. As of the filing of this Notice of Removal, said Complaint has not yet been filed in the state court, and Exhibit A constitutes all process, pleadings and orders served upon the Defendant to date in such action.

2. This Court is the district and division “embracing the place where [the State Court] action is pending.” 28 U.S.C. § 1441(a).

3. The United States District Court for the District of Minnesota has original jurisdiction over this action pursuant to 28 U.S.C. § 1331, because Plaintiff’s Complaint is founded upon claims or rights arising under the laws of the United States. Specifically, Plaintiff makes a claim under the Telephone Consumer Protection Act, 47 U.S.C. §§ 227, *et seq.*

4. This Notice of Removal is being filed within 30 days after receipt by Defendant of a copy of the Summons and Complaint and is timely filed in accordance with 28 U.S.C. § 1446(b); *Berbig v. Sears, Roebuck & Co.*, 568 F. Supp. 2d 1033, 1035 (D. Minn. 2008).

5. After filing this Notice of Removal, Defendant will promptly serve written notice of removal upon Plaintiff and will file a true and correct copy of the Complaint and Notice of Removal with the Clerk of the District Court of Le Sueur County, State of Minnesota, First Judicial District.

6. This Notice of Removal does not waive any objections or defenses Defendant may have to claims herein, including, but not limited to, any objections or defenses to jurisdiction, venue, failure to state a claim, preemption or any other defenses, all defenses and objections being expressly preserved.

7. Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, removal of the State Court action to this Court is appropriate.

WHEREFORE, Defendant respectfully requests that the action now pending against it in the District Court of Le Sueur County, State of Minnesota, First Judicial District, be removed to the United States District Court for the District of Minnesota.

Dated: June 6, 2017

/s/ Bryant D. Tchida

Bryant D. Tchida (#314298)

Calvin P. Hoffman (#0390375)

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